

ERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15271 of GSP Limited pursuant to 11 DCMR 3108.1, for a special exception under Sections 501 and 2002 to continue to operate a restaurant seating 125 as authorized by Board Order No. 14485, on the first and second floors in an SP-2 District at premises 1335 Green Court, N.W., (Square 247, Lot 831).

HEARING DATE: April 11, and June 20, 1990
DECISION DATE: June 20, 1990 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2C and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2C. ANC 2C, which is automatically a party to the application, by letter dated March 21, 1990, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 501 and 2002. No person or entity appeared at the hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS from the date of expiration of the previous Order, namely from March 12, 1990.


2. There shall be no musical entertainment other than light music intended only as an enhancement to dining or as accompaniment to the stand-up comedian entertainment. There shall be no dancing on the subject premises.
3. The restaurant shall provide full menu service until at least one and one-half hours before closing. All waiters and waitresses shall be properly attired.
4. All loading shall be confined to the stub alley behind the restaurant and conducted in an orderly fashion which allows delivery trucks to unload and quickly exit the premises.
5. There shall be no signs that will cause light to reflect into the windows of any of the apartments in the building at 1314 Massachusetts Avenue, N.W.
6. There shall be no deliveries before 7:30 A.M. nor after 5:00 P.M. except for emergencies.
7. Garbage shall be picked-up at least three days per week.
8. Any advertising indicating access to the restaurant shall front on L Street.
9. The hours of operation shall not exceed 12:00 midnight Sunday through Thursday and 1:00 o'clock A.M. on Friday and Saturday.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Tersh Boasberg and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 29 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15271order/BHS23

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




APPLICATION No. 15271

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated 1-23-68, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Geoffrey Serrell
1890 Preston White Drive
Reston, Virginia 22091

Harry Momocrusus
5323 - 16th Street, N.W.
Washington, D.C. 20011

Clifford Waddy, Chairperson
Advisory Neighborhood Commission 2-C
Carriser Elementary School
1200 S Street, N.W., Suite 201
Washington, D. C. 20009



EDWARD H. CURRY
Executive Director

DATE: _____